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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,758	09/21/2001	Nicholas P. Wilt	MSFT-0307/150575.1	6317

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EXAMINER	
RAYMOND, EDWARD	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,758	WILT, NICHOLAS P.	
	Examiner	Art Unit	
	Edward Raymond	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8,10,17,18,22,24,30-37,44,47-50 and 57* is/are rejected.

7)☒ Claim(s) *5-7,9,11-16,19-21,23,25-29,38-43,45,46,51-56,58 and 59* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claim 22** is objected to because of the following informalities: Claim language should be objective and should not give motivation for a particular limitation. The phrase "avoids time and resource expensive memory transfers." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 8, 10, 17, 18, 22, 24, 30-37, 44, 47-50, and 57** are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al. Peters et al. teach a method for providing histogram computational ability in a computing system having a plurality of data sets transmitted through at least one processing chip for performing high speed data operations (Claims 1, 22, 33, 34, and 47: see col. 19, lines 13-16), comprising: specifying, for histogram computation via a histogram computation mechanism implemented by said at least one processing chip, at least one data set of said plurality of data sets (Claims 1, 33, 34, and 47: see col. 15, lines 18-25: The Examiner notes that a data set is created by the processor and used to create an intensity profile or histogram); and computing at least one histogram from said specified at least one data set as said at least one data set transmits through said at least one processing chip

(Claims 1, 33, 34, and 47: see col. 18, lines 26-51 and Figures 8A-8H: The Examiner notes that image intensity data and range is an equivalent to a histogram).

Peters et al. teach a method wherein said computing includes applying a masking function to said at least one data set of said plurality of data sets (Claims 2, 35, and 48: see col. 19, line 52 through col. 20, line 5 and also col. 3, lines 48-50: The Examiner notes that superimposing a test pattern onto an image is equivalent to a masking function).

Peters et al. teach a method further including filtering said at least one data set of said plurality of data sets before said computing of said at least one histogram (Claim 3: see col. 14, lines 47-51: The Examiner notes that the reduction of the high noise level is equivalent to filtering the data set before computing the histogram) and before said at least one data set is transmitted through said at least one processing chip (Claim 3: see col. 14, lines 47-51: The Examiner notes that since the filtering occurs before computing the histogram, the data sets are therefore not transmitted to the processor at this point in time).

Peters et al. teach a method further including reading data back from the at least one processing chip according to a histogram reading back method call of said histogram computation mechanism (Claims 4, 36, and 49: see col. 16, lines 36-50: The Examiner notes that the computer program reads the data sets from memory to create the histogram).

Peters et al. teach a method wherein said computing includes: mapping said at least one data set to at least one real-valued function data set (Claim 8: see Figure 6:

bottom intensity profile and map); and quantizing said at least one real-valued function data set (Claim 8: see col. 15, lines 18-26).

Peters et al. teach a method wherein said specifying includes specifying at least one state of said at least one histogram (Claims 10, 37, and 50: see col. 15, lines 45-49: The Examiner notes that the classification and threshold for a poor data quality is specifying a state of the histogram).

Peters et al. teach a method further including storing said at least one histogram computed from said at least one data set in at least one array (Claim 17: see col. 16, lines 60-63).

Peters et al. teach a method wherein said specifying includes specifying via a three-dimensional graphics application programming interface (Claim 18: see col. 16, lines 44-50).

Peters et al. teach a method wherein said specifying of at least one data set includes specifying at least one of image data (Claims 24, 44, and 57: see col. 15, lines 17-26).

Peters et al. teach a computer readable medium having stored thereon a plurality of computer-executable instructions (Claims 30-32: see col. 16, lines 44-50).

Allowable Subject Matter

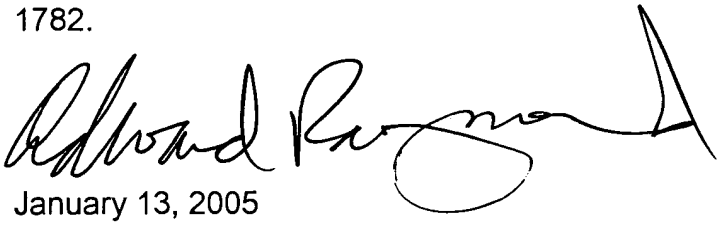
4. **Claims 5-7, 9, 11-16, 19-21, 23, 25-29, 38-43, 45, 46, 51-56, 58, and 59** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



January 13, 2005
Edward Raymond
Patent Examiner
Art Unit 2857